

Notice of Allowability	Application No.	Applicant(s)	
	10/500,248	BERDOYES ET AL.	
	Examiner William H. Rodriguez	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment filed on 4/5/05.
2. The allowed claim(s) is/are 1-13.
3. The drawings filed on 25 June 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

This office action is in response to the amendment and remarks filed 4/5/05.

Allowable Subject Matter

1. Claims 1-13 are allowed.

With respect to claim 1, applicant arguments presented *on page 7 the third paragraph; page 8 paragraphs 2-4; page 9 the third paragraph; and page 10 the second and third paragraphs* of applicant's response are found persuasive because the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "*resilient return means interposed between the moving diverging portion of the nozzle and the static portion, said resilient return means acting on the moving diverging portion to urge it towards the static portion so as to keep the spherical surfaces in mutual contact for any desired orientation of the nozzle, to ensure gas tightness between the moving diverging portion and the static portion solely by the maintaining of the spherical surfaces in mutual contact for any desired orientation of the nozzle*" in combination with the other claims limitations.

With respect to claim 12, applicant arguments presented *on page 7 the third paragraph; and page 8 paragraphs 2-4* of applicant's response are found persuasive because the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "*resilient return means integrated in link arms of said cardan mount and acting on the moving diverging portion to urge it towards the static portion so as to keep the spherical surfaces in mutual contact for any desired orientation of the nozzle to ensure gas tightness between the moving diverging portion and the static portion solely by the*

maintaining of the spherical surfaces in mutual contact for any desired orientation of the nozzle" in combination with the other claims limitations.

With respect to claim 13, applicant arguments presented *on page 7 the third paragraph; and page 8 paragraphs 2-4* of applicant's response are found persuasive because the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "*an actuator device acting on the moving diverging portion of the nozzle to enable the direction of the thrust vector of the engine to be varied by modifying the orientation of the nozzle with the spherical surfaces sliding one on the other; the cardan mount comprising a ring, said ring of the cardan mount being elastically deformable on assembly to act on the moving diverging portion to urge it towards the static portion so as to keep the spherical surfaces in mutual contact for any desired orientation of the nozzle, to ensure gas tightness between the moving diverging portion and the static portion solely by the maintaining of the spherical surfaces in mutual contact for any desired orientation of the nozzle*" in combination with the other claims limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William H. Rodriguez 5/27/08
Examiner
Art Unit 3746